



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/077,794 06/05/98 PETRI

M CM1091F

T DAVID REED
THE PROCTOR & GAMBLE COMPANY
5299 SPRING GROVE AVENUE
CINCINNATI OH 45217-1087

IM22/0723

EXAMINER

PETRUNCIO, J

ART UNIT

PAPER NUMBER

1751

3

DATE MAILED:

07/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/077,794

Applicant(s)

Marco Petri et al

Examiner

John M. Petruncio

Group Art Unit
1751



☒ Responsive to communication(s) filed on Jun 5, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 2, and 11-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, and 11-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1751

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2 and 11-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 19 both describe a bleaching composition in the preamble in terms which appear to cover both starting components as well as the resulting formulated composition. Dependent claims such as 17, for example, then refers back to the preamble for antecedent basis for the molar ratio of the "bleach" component to the starting "source of bromine" component. This renders the claims vague and indefinite. Clarification or correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1751

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-2 and 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. 3,583,922 to McClain et al alone, or in view of US Pat. 2,815,311 to Ellis et al, the disclosure of which is incorporated into the McClain et al '311 patent (see col.2, lines 61-64).

The McClain et al '922 patent reference discloses a bleaching composition having a pH under use of at least 10.5 comprising a source of available chlorine such as a dichlorocyanurate (see col.2, line 25 et seq), an inorganic or organic bromide (see col.2, lines 37-64 and col.9, line 45 et seq) and sulfamic acid or water soluble sulfamate in a certain ratio to available chlorine (see col.1, line 71 and col.2, line 65 et seq)..

While the McClain et al '922 patent does not appear to describe the combination of a bromide (construed as a source of bromine) and hypochlorite source in specific terms of a premix, the incorporated Ellis et al '311 patent disclosure clearly teaches a mixture of these components which McClain et al combines with sulfamic acid or a water soluble sulfamate. This conclusion is buttressed by the McClain et al disclosure that in a preferred embodiment, the sulfamates are dissolved in water and sprayed on an abrasive component and dried to provide a composition

Art Unit: 1751

which is unexpectedly relatively unaffected by the hygroscopicity of the sulfamates (see col.3, lines 12-16). No patentable weight is given to the optional components and the process parameters as to temperature, molar ratios and available chlorine appear obvious over these references or a matter of routine formulation selection. No claim stands allowed.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Petruncio whose telephone number is (703) 308-9442. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

John M. Petruncio

July 18, 1999


YOGENDRA GUPTA
SUPERVISORY PATENT EXAMINER